

**Child Protection Accountability Commission
Training Committee**

CAN Best Practices Workgroup

Monday, October 24, 2016

1:00 p.m. – 3:00 p.m.

*Middletown Police Department
130 Hampden Road, Middletown, DE*

Minutes

In Attendance:

Brian Daly	Department of Justice
Jean Gardner	Division of Family Services
Chief Laura Giles	Delaware Police Chiefs' Council
Kathy Hudson	Nanticoke Health Services
Diane Klecan	Children's Advocacy Center of Delaware
Sgt. Reginald Laster	New Castle County Police Department
Josette Manning, Esq.	Department of Justice
Rosalie Morales	Office of the Child Advocate
Det. Ron Mullin	Wilmington Police Department
Cpl. Adrienne Owen, Chair	Delaware State Police
Anne Pedrick	Child Death Review Commission
Linda Shannon	Division of Family Services
Ashlee Starratt	Office of the Investigation Coordinator
Anita Symonds	Christiana Care Health System
Janice Tigani, Esq.	Department of Justice
Julia Vekasy	Division of Forensic Science
Sgt. Gerald Windish	Delaware State Police
Jaime Zebroski	Division of Family Services

I. Welcome and Introductions

Cpl. Adrienne Owen opened the meeting and welcomed attendees.

II. Minutes – 8/11/16

The minutes from August 11, 2016 were approved. Diane Klecan made a motion to approve the minutes, and Ashlee Starratt seconded the motion. There were nine abstentions.

III. Review of Serious Physical Injury Protocol

The workgroup reviewed the draft Serious Physical Injury Protocol. There was lengthy discussion about two issues: the ability to secure medical exams for siblings/other children in the home and for children involved in extra-familial abuse cases, and DFS interviews with caregivers, alleged perpetrators and children prior to law enforcement's response. The revisions below attempt to address the issues; however, further direction from CPAC or a legislative solution may be necessary.

The workgroup recommended the following revisions:

- Reports to the DOJ – the language was revised to read “DFS is required to report *offenses identified in the Serious Physical Injury Protocol* to the *appropriate division at the Department of Justice*”;
- Interviews – the following sentence was added: “In the event that a LE response is delayed, DFS may obtain basic information from the family to assess the child’s safety until LE arrives to conduct the interviews”;
- Medical Evaluation – the language was revised to read “For siblings and other children in the home, the Designated MDT Medical Services Provider must be consulted regarding the need for medical evaluations. The American Academy of Pediatrics recommends a timely medical evaluation for siblings and other children in the home when one child is identified as a victim of abuse”;
- Criminal Proceedings – the reference to the Civil Division was changed to the Family Division; and,
- Civil Disposition – the language was revised to read “DFS shall contact LE/*DOJ* prior to case closure in order to maintain the integrity of the case”.

The above revisions will be applied to the other protocols as appropriate.

IV. Review of Child Death Protocol

The workgroup reviewed the draft Child Death Protocol. The death scene investigation was discussed at length, particularly the SUIDI form and doll re-enactments.

First, the representative from the Division of Forensic Science advised the group that the SUIDI form is available online. Therefore, jurisdictions need to ensure that the correct form is being utilized. In addition, the form should be completed at the scene prior to moving the body. The group did not agree that the Division of Forensic Science should be the agency responsible for completing the form. The representative from the Department of Justice explained that it could become a custodial interrogation at any point and the miranda warning would need to be given. Therefore, law enforcement will be responsible for completing the form, and the forensic investigator may be present whenever possible.

Next, the group discussed whether the forensic investigator must be present during the doll re-enactment to gather information from a medical perspective. The law enforcement representatives voiced concern since there are several persons present during the re-enactment already. Further, the doll re-enactment is video documented and provided to the Division of Forensic Science to consider as part of the post-mortem examination. The group agreed that law enforcement will be responsible for the doll re-enactment and the forensic investigator may be present whenever possible.

The workgroup recommended the following revisions:

- Preservation of Evidence - the language was revised to read “LE, in the presence of the ME *whenever possible*, will conduct a doll and scene re-enactment with the alleged perpetrator to provide a visual demonstration of the mechanism of injury *and/or death*.” In addition, the following sentence was revised: “However, parents and caregivers may be

permitted to touch the body with supervision by LE, *in consultation with ME*, in cases where there is a sudden unexpected infant death”; and,

- Post-mortem Examination - the section was revised to read “The ME will conduct a post-mortem examination of the child in all *unexpected and unexplained death cases*. *LE and DOJ* may be present for the post-mortem examination. A post-mortem computed tomography (CT) scan at the children’s hospital *may* occur prior to the post-mortem examination. Samples of blood and hair follicles will be *collected by ME* and tested for drugs and/or toxins. *Items unable to be stored by the ME will be turned over to LE for storage, and testing at the discretion of DOJ. Disposal of evidence (e.g. diapers) should be cleared with DOJ to ensure resolution of a criminal proceeding is complete.*”

V. Review of Neglect Protocol

The workgroup reviewed the draft Neglect Protocol, and the following revisions were recommended:

- Joint Investigations – the language was revised to read “Specific offenses that may require a joint investigation are listed below”;
- Civil Offenses – the DFS representatives will provide revisions to this section;
- Medical Evaluation - the language was revised to read “Instead, use the words “probable, likely or consistent with” when speaking with *medical providers* and note that *medical providers* only speak in terms of probability and not absolutes”; and,
- Victim Services – the reference to the Drug and Alcohol Liaisons was changed to the Substance Abuse Liaisons.

An additional issue for CPAC was noted by the group. For situations in which DFS and law enforcement require a medical examination for a child and the family does not have insurance, there is no statute or policy to provide for payment.

VI. Next Steps

- Approve the Serious Physical Injury, Death and Neglect Protocols
- Review the Child Sexual Abuse and Juvenile Trafficking Protocols

VII. Next Meeting Date

- The next meeting date will be sent out via email.